

Office of the Yavapai County Attorney
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Heather Figueroa

DEPUTY CLERK

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN CARROLL DEMOCKER,

Defendant.

Cause No. P1300CR20081339

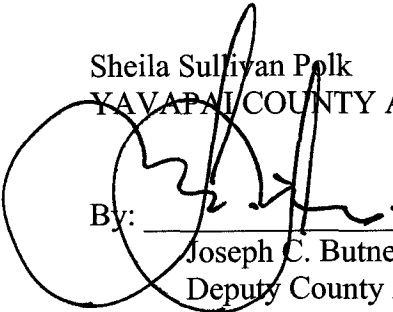
Division 6

STATE'S RESPONSE TO DEFENDANT'S
DISCOVERY REQUESTS

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney,
and her deputy undersigned, hereby submits its Response to Defendant's Discovery Request as
Ordered by Court.

RESPECTFULLY SUBMITTED this 28th day of January, 2010.

Sheila Sullivan Polk
YAVAPAI COUNTY ATTORNEY

By: 
Joseph C. Butner
Deputy County Attorney

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1 COPIES of the foregoing delivered this
2 29th day of January, 2010 to:

3 Honorable Thomas J. Lindberg
4 Division 6
5 Yavapai County Superior Court
6 (via email)

7 John Sears
8 107 North Cortez Street, Suite 104
9 Prescott, AZ 86301
10 Attorney for Defendant
11 (via email)

12 Larry Hammond
13 Anne Chapman
14 Osborn Maledon, P.A.
15 2929 North Central Ave, 21st Floor
16 Phoenix, AZ
17 Attorneys for Defendant
18 (via email)

19 By: useb Cornell
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26

Criminal History of Witnesses

The following individuals who may be called as witnesses have no felony conviction(s) or misdemeanor conviction(s) related to honesty.

1. Renee Girard
2. Sean Bailey
3. Barbara O'non
4. Caitlyn O'non
5. Alec O'non
6. John Farmer
7. Don Wood
8. David Roy
9. Bevan Gottlieb
10. Terry Sims
11. Donna Fagan
12. Tammy L. Eaton
13. Jacob Janusek
14. Nichole Check
15. Cody Ann Buchser
16. Cheryl Hatzopoulos
17. Diane Cornsweet
18. Judith Connick
19. Douglas Rader
20. Anna Young
21. John Casalena
22. Cynthia Wallace
23. Robert Fruge
24. Jana Johnson
25. Ronald Drake
26. Lila Farr
27. Anna Saxerud
28. Jennifer Rydzewski
29. Cynthia Woodring
30. Tommy Meredith
31. Sturgis Robinson
32. Debra Hill
33. Laurie Spira
34. Paula Matthew
35. Elizabeth Minard
36. Lynn Shoopman
37. Michael Bueler
38. Debbie Sims
39. Catherine Peterson
40. Larry Peterson

41. Marjorie Powell
42. Gerry Thornbro
43. Sally Butler
44. James Van Steenhuyse
45. David Soule
46. Larry Wheeler
47. Katherine Warnett
48. Carol Tidmarsh
49. Jackie Wheeler

The following individuals who may be called as witnesses have either a felony conviction(s) or a misdemeanor conviction(s) related to honesty.

1. Adam Parent
 - a. 1997 – Felony: Possession or Delivery of Marijuana
 - b. 1997 – Felony: Possession of Drug Paraphernalia
 - c. 2001 – Felony: Possession or Delivery of Marijuana
2. Morgan Jay (aka Mark Edwin Gonzales)
 - a. 1988 – Absconded (Desertion) – US Navy, returned to military control
 - b. 1999 – Felony: Assault
 - c. 2006 – Felony: Possession of Dangerous Drugs
 - d. 2006 – Felony: Possession of Drug Paraphernalia
 - e.

1. Cell Phone Data and Expert Access

The following YCSO Evidence Items (cell phones) were delivered to the defense team on January 29, 2010.

1. YCSO Evidence Item 95 (associated with Defendant)
2. YCSO Evidence Item 112 (associated with Defendant)
3. YCSO Evidence Item 553 (associated with Carol Kennedy)

2. Rule 15.1 Compliance Regarding Experts

Below is a list of the State's Experts and the material upon which they will rely.

Dr. Philip Keene

1. Autopsy Report/Skull Reconstruction: Bates No 548-568
2. Photographs contained on Disks # C, R, T, 27, and 35
3. Any and all photographs or related documents referenced in the reports listed above.

Dr. Laura Fulginiti

1. Autopsy Report/Skull Reconstruction: Bates No 548-568

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2. Photographs contained on Disks # C, R, T, 27, and 35
3. Any and all photographs or related documents referenced in the reports listed above.

Kortney Snider

1. Scientific Exam Report: Scene Assistance – Bates 2551-2604
2. Scientific Exam Report: Serology – Bates 2613-2693
3. Scientific Exam Report: DNA – Bates 2697-2889
4. Scientific Exam Report: Serology – Bates 2890-3002
5. Scientific Exam Report: DNA – Bates 3003-3041
6. Scientific Exam Report: Serology – Bates 3060-3070
7. Scientific Exam Report: Serology – Bates 3071-3074
8. Scientific Exam Report: DNA – Bates 3075-3185
9. Scientific Exam Report: Serology – Bates 3277-3279
10. DNA Profile Summary Sheets – Bates 3329-3338
11. Scientific Exam Report: Serology – Bates 3458
12. Scientific Exam Report: Serology – Bates 3459
13. Scientific Exam Report: DNA – 3460-3462
14. Scientific Exam Report: Serology – 3649
15. Scientific Exam Report: DNA – Bates 3650-3652
16. Scientific Exam Report: Serology – Bates 3653
17. Scientific Exam Report: DNA – Bates 3654-3655
18. DNA Profile Summary Sheets – Bates 3656-3665
19. Scientific Exam Report: Serology – Bates 3820
20. Scientific Exam Report: Serology – Bates 3821
21. Scientific Exam Report: DNA – 3822-3823
22. Scientific Exam Report: Serology – Bates 4920-4926
23. Scientific Exam Report: Serology – Bates 4927-4931
24. Scientific Exam Report: Serology – Bates 4932-4935
25. Scientific Exam Report: Serology – Bates 4936-4939
26. Scientific Exam Report: DNA – Bates 4940-5024
27. Scientific Exam Report: DNA – Bates 5025-5066
28. Scientific Exam Report: DNA – Bates 5067-5110
29. Scientific Exam Report: Serology – Bates 5891-5892
30. Scientific Exam Report: Serology – Bates 10178
31. Scientific Exam Report: DNA – Bates 10179-10180
32. Scientific Exam Report: Serology – Bates 12958-12962
33. Scientific Exam Report: Serology – Bates 12963-12966
34. Scientific Exam Report: DNA – Bates 12967-13088
35. Scientific Exam Report: DNA – Bates 13089-13138
36. Scientific Exam Report: Serology – Bates 13139-13141
37. Scientific Exam Report: Serology – Bates 15325-15326
38. Scientific Exam Report: Serology – Bates 16181-16187
39. Scientific Exam Report: Serology – Bates 16763-16782
40. Scientific Exam Report: Serology – Bates 17033-17038

41. Any and all photographs or related documents referenced in the reports listed above.

Erin Daniels

1. Scientific Exam Report: Scene Assistance – Bates 2549-2550
2. Scientific Exam Report: Latent Prints – Bates 2605-2607
3. Scientific Exam Report: Latent Prints – Bates 2608-2612
4. Scientific Exam Report: Latent Prints – Bates 2694-2696
5. Scientific Exam Report: Latent Prints – Bates 3042-3046
6. Scientific Exam Report: Latent Prints – Bates 3047-3054
7. Scientific Exam Report: Latent Prints – Bates 3055-3059
8. Scientific Exam Report: Latent Prints – Bates 3280-3298
9. Scientific Exam Report: Latent Prints – Bates 16178-16180
10. Any and all photographs or related documents referenced in the reports listed above.

Rebecca J. Love Holt

1. Scientific Exam Report: DNA – Bates: 3186-3241
2. Any and all photographs or related documents referenced in the reports listed report.

John B. Hoang

1. Scientific Exam Report: Tire Tracks – Bates 3242-3276
2. Any and all photographs or related documents referenced in the reports listed above.

R.L. Hoover

1. Examination Report: LGVX8700 – Bates 304
2. Examination Report: Motorola V326 – Bates 305
3. Examination Report: LGVX8700/Motorola V326 – Bates 5408-5409
4. Examination Report: assigned #928-713-6422 – Bates 16786-16787
5. Examination Report: Bates 17929-17937
6. Evidence Item 6174
7. Any and all photographs or related documents referenced in the reports listed above.

Tom Rigley

1. Sorenson Lab Reports: DNA – Bates 256-303
2. Sorenson Lab Reports: DNA – Bates 343-431
3. Sorenson Lab Amended Report: DNA – Bates 2397-2402
4. Sorenson Lab Amended Report: DNA – Bates 2403-2408
5. Email and notes/communication with Sorenson Lab: Bates 2417-2418

Matthew C. Lovelace

1. Scientific Exam Report: Hair Examination – Bates 3299-3310

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2. Any and all photographs or related documents referenced in the reports listed above.

Richard Echols

1. This information was provided in the State's 45th Supplemental Disclosure dated January 22, 2010.

John Casalena

1. All documents provided by Casalena – Bates 10371-10546
2. Any and all related documents referenced in the documents listed above.

Timothy D. Kupferschmid

1. Sorenson Lab Reports: DNA – Bates 256-303
2. Sorenson Lab Reports: DNA – Bates 343-431
3. Sorenson Lab Amended Report: DNA – Bates 2397-2402
4. Sorenson Lab Amended Report: DNA – Bates 2403-2408
5. Email and notes/communication with Sorenson Lab: Bates 2417-2418

Rod Englert

1. Preliminary Case Review: Spatter Review – Bates 10604-10610
2. 1 CD containing YCSO DR 08-029129 and all supplements as of July 25, 2009.
3. 1 CD containing video of crime scene – Disk #8.
4. 1 CD containing photographs of Defendant's injuries – Disk A.
5. 2 CDs containing photographs of crime scene – Disks 32 & L.
6. 9 CDs containing photographs of search warrants – Disks F(3), G(2), H 1 of 2, JJ, S, and U.
7. 5 CDs containing Autopsy/Skull Reconstruction photographs – Disks C, R, T, 27, 35.

William R. Kiviat

1. Preliminary Findings – Bates 10611-10612

John Hale

1. Note's written by Carol Kennedy – Bates 4084-4116
2. Financial Records/Billing Statements with notes written by Carol Kennedy – Bates 4117-4212
3. Carol Kennedy's Notepad – Bates 5688
4. Emails and attachments with notes written by Carol Kennedy – Bates 6337-6355
5. Carol Kennedy's Journals – Bates 3870-4063, 10181-10214
6. Carol/Barb Scorecard – Bates 6089-6092
7. Defendant's known exemplars – Evidence Item 6153 (Bates 17743-17756)

Paul Lindvay

1. Examination Report: Item 411 – Bates 17938-17948

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2. Evidence Item 6172
3. Any and all photographs or related documents referenced in the reports listed above.

Patrick Smith

1. Examination Report: Item 411 – Bates 17938-17948
2. Evidence Item 6173
3. Any and all photographs or related documents referenced in the reports listed above.

Det. S. Page

1. Examination Report: Bates 6410-6412
2. Examination Report: Bates 6429-6430
3. Examination Report: iPods, Flash Drives, CDs, and DVDs – Bates 17916-17928
4. Examination Report: Bates 17929-17937
5. Evidence Items 411, 453, 455, 456, 6081, 6081, 6171, 6175
6. Any and all photographs or related documents referenced in the reports listed above.

Randy Arthur

1. Examination Report: iPods, Flash Drives, CDs, and DVDs – Bates 17916-17928
2. Examination Report: Bates 17929-17937
3. Examination Report: Item 411 – Bates 17938-17948
4. Evidence Items 6171-6175
5. Any and all photographs or related documents referenced in the reports listed above.

Ron Castle

1. Blackberry Information provided by UBS.

Det. T. Kennedy

1. GPS Tracking Data
2. Photographs contained on Disk Z
3. YSCO DR 08-029129 Supp 17 – Bates 1892-1895
4. YSCO DR 08-029129 Supp 18 – Bates 600
5. YSCO DR 08-029129 Supp 19 – Bates 1896-1896
6. YSCO DR 08-029129 Supp 79 – Bates 3613-3614
7. Any and all photographs or related documents in the documents listed above.

Cmdr. S. Mascher

1. GPS Tracking Data
2. Photographs contained on Disk Z
3. YSCO DR 08-029129 Supp 17 – Bates 1892-1895

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4. YSCO DR 08-029129 Supp 18 – Bates 600
5. YSCO DR 08-029129 Supp 19 – Bates 1896-1896
6. YSCO DR 08-029129 Supp 79 – Bates 3613-3614
7. Any and all photographs or related documents in the documents listed above.

Susan Kossler

1. Preliminary Case Review: Spatter Review – Bates 10604-10610
2. 1 CD containing YCSO DR 08-029129 and all supplements as of January 29, 2010.
3. 1 CD containing video of crime scene – Disk #8.
4. 1 CD containing photographs of Defendant's injuries – Disk A.
5. Autopsy Report/Skull Reconstruction: Bates No 548-568
6. Photographs contained on Disks # C, R, T, 27, and 35
7. 2 CDs containing photographs of crime scene – Disks 32 & L.
8. 9 CDs containing photographs of search warrants – Disks F(3), G(2), H 1 of 2, JJ, S, and U.
9. Any and all contact between Defendant and Carol Kennedy including but not limited to email, text messages, and handwritten notes.
10. Any and all laboratory reports submitted by other experts in this case.
11. Any and all reports submitted by other experts in this case.
12. Summary of Defendant's and Carol Kennedy's financial records including but not limited to documents filed in P1300DO20070217, financial statements and income tax filings.
13. Carol Kennedy's Journals – Bates 3870-4063, 10181-10214
14. Criminal History of Defendant.
15. Criminal History of Carol Kennedy.

Eric Gilkerson

1. Bates 1442-1445
2. Bates 17816-17821
3. Evidence Item 6164
4. FBI shoe sole index
5. Note – this investigation is on-going. This may be supplemented at a later date.

Dr. Steven Pitt

1. Preliminary Case Review: Spatter Review – Bates 10604-10610
2. 1 CD containing YCSO DR 08-029129 and all supplements as of January 29, 2010.
3. 1 CD containing video of crime scene – Disk #8.
4. 1 CD containing photographs of Defendant's injuries – Disk A.
5. Autopsy Report/Skull Reconstruction: Bates No 548-568
6. Photographs contained on Disks # C, R, T, 27, and 35
7. 2 CDs containing photographs of crime scene – Disks 32 & L.

8. 9 CDs containing photographs of search warrants – Disks F(3), G(2), H 1 of 2, JJ, S, and U.
9. Any and all contact between Defendant and Carol Kennedy including but not limited to email, text messages, and handwritten notes.
10. Any and all laboratory reports submitted by other experts in this case.
11. Any and all reports submitted by other experts in this case.
12. Summary of Defendant's and Carol Kennedy's financial records including but not limited to documents filed in P1300DO20070217, financial statements and income tax filings.
13. Carol Kennedy's Journals – Bates 3870-4063, 10181-10214
14. Criminal History of Defendant.
15. Criminal History of Carol Kennedy.

3. Indexing Systems Information

Latent Prints – AFIS

Per Erin Daniels, DPS Criminologist, no unidentified latent prints have been discovered in this case. If any are discovered, the results would be entered into AFIS (Arizona only) and/or IAFIS (national). Comparisons are performed each time new fingerprints are presented.

DNA – SDIS/CODIS

Per Kortney Snider, DPS Criminologist, the minor DNA profile from evidence item 603 was the only data presented for comparison against the state and national DNA indices. A one-time keyboard search of SDIS (State DNA Index System) was performed on August 1, 2008. (See Bates 2955-56). The same data was uploaded into SDIS on August 7, 2008. (Per telephone conversation with Kathy Troyer, DPS – SDIS Custodian.) SDIS automatically searches the index on a weekly basis. The minor DNA profile from evidence item 603 was also entered into CODIS (Combined DNA Index System) on August 1, 2008. As with SDIS, CODIS automatically searches the index on a weekly basis.

Further Testing

YCSO Evidence Items 518 (note found in trashcan next to Carol's desk – Bates 6332-6333) and 505 (checkbook cover found near Carol's body) have been returned to the DPS Lab for additional testing, i.e., DNA and/or fingerprints.

4. Defendant's Statements

See the State's 46th Supplemental Disclosure dated January 29, 2010.

5. Reports Regarding Witnesses

All Supplements to YCSO DR 08-029129 and YCAO DR 08-029129 generated through January 29, 2010, have been disclosed.

6. DPS Disclosure

#1 DPS Lab Protocol for DNA Testing and Analysis

See DNA Quality Control Manual – Bates 17039-17092

See DNA Quality Assurance Manual – Bates 17093-17130

See DNA Procedural Manual – Bates 17131-17440

#2 DPS Lab Protocol for Sample Collection and Crime Scene Response

See Serology Procedural Manual – Bates 17241-17264. Per Kortney Snider, DPS Criminalist, DPS does not have crime scene response protocols as scene assistance is merely an extension of serological examination.

#3 Chain of Custody

Report dated 07/15/08 – no chain of custody exists.

Report dated 02/24/09 – See Bates 5065.

Report dated 06/01/09 – See Bates 17349.

Report dated 10/28/09 – See Bates 17038.

#4 Screening Notes and Photographs for DPS Report dated 07/25/08

1 Ten photographs of items tested on July, 25, 2008, were taken at the lab. The disk
2 containing these photographs was provided to defense team with the State's 46th Supplemental
3 Disclosure dated January 29, 2010.

4 #5 Photographs

5 Report dated 7/15/08 – See Bates 2551-2604.

6 Report dated 08/05/08 – no photographs exist.

7 Report dated 09/02/08 – two reports were issued on this date, serology and
latent prints, no photographs exist for serology, for latent prints – photos are
8 same as those in #4. See disk provided in the State's 46th Supplement.

9 Report dated 09/03/08 – no photographs exist

10 Report dated 01/30/09 – no photographs exist

11 Report dated 02/04/09 – no photographs exist

12 Report dated 02/19/09 – no photographs exist

13 Report dated 03/23/09 – no photographs exist

14 Report dated 05/26/09 – no photographs exist

15 Report dated 06/03/09 – no photographs exist

16 Report dated 06/17/09 – no photographs exist

17 #6 DPS Data Files for DPS Reports

18 Per Kortney Snider, DPS Criminalist, the data files for the referenced dates were
19 provided on the previously submitted CD. The run data can be found by the corresponding
20 date on the CD to those of the dates on the electropherograms provided in the previously
21 submitted notes.

22 #7 STR Frequency Tables

23 Per Kortney Snider, DPS Criminalist, the STR Frequency Tables used by DPS are
24 part of the CODIS database and belong to the FBI.

25 #8 The latest DPS External Audit

26 Per Kortney Snider, DPS Criminalist, information regarding the external audit was
provided on the disk sent to Big Picture for Reproduction on October 8, 2009, and disclosed

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1 in the State's 36th Supplemental Disclosure dated October 8, 2009. Also See Bates 17270-
2 17342.

3 #9 DPS Corrective Action Log

4 See Extraneous DNA Investigation Log – Bates 17265-17269.

5 #10 DPS Approved Abbreviation List

6 See DNA Quality Control Manual – Bates 17039-17092

7 **7. Sorenson Disclosure**

8 Ms. Chapman informed the State that all information requested from Sorenson has been
9 received.

10 **8. YCSO Supplemental Reports**

11 All Supplemental Reports generated through and including January 29, 2010, (DR 08-
12 029129, Supplements 1- 126) have been disclosed.
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